

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE MARRERO

WK 4641

-----x
ANNE NG,

Plaintiff,

- against -

BLUE WATER GRILL INC.,

Defendant.
-----x

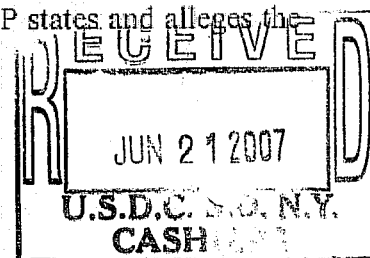
'07 CIV 5897

COMPLAINT

PLAINTIFF DEMANDS
A TRIAL BY JURY

Plaintiff Anne Ng, by her attorneys McCarthy & Kelly LLP states and alleges the following upon information and belief:

THE PARTIES



1. Plaintiff Anne Ng was and is an individual, a citizen of the United States and a resident of the State of Washington, residing at 12309 NE 40th Circle, Vancouver, WA 98682.

2. Defendant Blue Water Grill Inc. was and still is a New York Limited Partnership duly organized and existing under and by virtue of the laws of the State of New York with its principal place of business located at 31 Union Square West, New York, NY 10011 (hereinafter the "premises").

3. Defendant Blue Water Grill Inc. was and still is a New York Corporation duly organized and existing under and by virtue of the laws of the State of New York with its principal place of business located at the premises.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Section 1332 and 1441 as the plaintiff is a citizen of State of Washington and the defendant is a citizen of the State of New York and the amount in controversy is in excess of \$75,000 exclusive of interest and costs.

5. Venue of this action in the Southern District of New York is proper pursuant to 28 U.S.C. Section 1391 because plaintiff's claims arise in the Southern District of New York and because defendant is subject to personal jurisdiction in the Southern District of New York.

**FIRST CAUSE
OF ACTION**

6. That at all times hereinafter mentioned defendant owned the premises.

7. That at all times hereinafter mentioned defendant operated a business at the aforementioned premises, to wit, a restaurant open to the public.

8. That at all times hereinafter mentioned defendant maintained the premises.

9. That at all times hereinafter mentioned defendant controlled the premises.

10. That at all times hereinafter mentioned defendant designed the premises.

11. That at all times hereinafter mentioned defendant constructed the premises.

12. On May 15, 2007 at approximately 8:30 P.M., plaintiff was lawfully within the premises.

13. At the aforementioned time and place, plaintiff was severely injured at the premises by reason of a dangerous, hazardous and/or defective condition existing at the premises.

14. The aforementioned occurred as a result of the negligence, carelessness and recklessness of the defendant, its agents, servants and/or employees in the ownership, operation, management, control, construction, design, repair and maintenance of the premises.

15. As a result of the aforementioned, plaintiff sustained severe and serious permanent personal injuries; incurred medical expenses and sustained other consequential damages.

16. The limitations on liability set forth in CPLR Section 1601 do not apply to this action by reason of one or more of the exemptions set forth in CPLR Section 1602.

17. That solely by reason of the foregoing, plaintiff has been damaged in the sum of One Million Dollars (\$1,000,000).

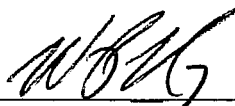
18. Plaintiff demands a trial by jury on all issues.

WHEREFORE, plaintiff Anne Ng demands judgment against defendant Blue Water Grill Inc. in the sum of One Million Dollars (\$1,000,000) together with the costs and disbursements of this action.

Dated: New York, New York
June 19, 2007

Respectfully submitted,

McCARTHY & KELLY LLP

By 

William P. Kelly
WK 4641

A Member of the Firm
Attorneys for Plaintiff
52 Duane Street
New York, N.Y. 10007
Telephone: (212) 732-6000
Facsimile: (212) 732-6323

TO: BLUE WATER GRILL INC.
31 Union Square West
New York, NY 10011

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


-----X WK 4641
:
ANNE NG, : 07 Civ. _____
:
Plaintiff, :
:
- against - : **RULE 7.1(a) STATEMENT**
:
BLUE WATER GRILL INC., :
:
Defendant. :
:
-----X

PURSUANT to Rule 7.1(a) (Formerly Local Civil Rule 1.9) of the Federal Rules Civil Procedure, in order to enable judges and magistrate judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for plaintiff, a non-governmental party, certifies that the following are corporate parents, affiliates and/or subsidiaries of said party which are publicly held: NONE.

Dated: New York, New York
June 19, 2007

Respectfully submitted,

McCARTHY & KELLY LLP

By 
William P. Kelly
WK 4641

A Member of the Firm
Attorneys for Plaintiff
52 Duane Street
New York, N.Y. 10007
Telephone: (212) 732-6000
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TO: BLUE WATER GRILL INC.
31 Union Square West
New York, NY 10011

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS ANNE NG

DEFENDANTS BLUE WATER GRILL INC.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

McCarthy & Kelly LLP, 52 Duane Street, FL 7
New York, NY 10007

William P. Kelly, Esq.

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

Premises Liability - Plaintiff struck in head by glass in restaurant

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

			ACTIONS UNDER STATUTES			
TORTS			FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 620 FOOD & DRUG	28 USC 158	REAPPORTIONMENT	
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 625 DRUG RELATED	[] 423 WITHDRAWAL	[] 410 ANTITRUST	
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	SEIZURE OF	28 USC 157	[] 430 BANKS & BANKING	
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	PROPERTY		[] 450 COMMERCE/CC	
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	21 USC 881	PROPERTY RIGHTS	RATES/ETC	
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT	[] 630 LIQUOR LAWS		[] 460 DEPORTATION	
OVERPAYMENT &	EMPLOYERS'	LIABILITY	[] 640 RR & TRUCK	[] 820 COPYRIGHTS	[] 470 RACKETEER INFLU-	
ENFORCEMENT OF	LIABILITY	PERSONAL PROPERTY	[] 650 AIRLINE REGS	[] 830 PATENT	ENCED & CORRUPT	
JUDGMENT	[] 340 MARINE		[] 660 OCCUPATIONAL	[] 840 TRADEMARK	ORGANIZATION ACT	
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD	[] 690 OTHER		(RICO)	
[] 152 RECOVERY OF	LIABILITY	[] 371 TRUTH IN LENDING		SOCIAL SECURITY	[] 480 CONSUMER CREDIT	
DEFAULTED	[] 350 MOTOR VEHICLE	[] 380 OTHER PERSONAL	LABOR	[] 861 MIA (1395FF)	[] 490 CABLE/SATELLITE TV	
STUDENT LOANS	[] 355 MOTOR VEHICLE	PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 862 BLACK LUNG (923)	[] 810 SELECTIVE SERVICE	
(EXCL VETERANS)	PRODUCT LIABILITY	PRODUCT LIABILITY	STANDARDS ACT	[] 863 DIWC (405(g))	[] 850 SECURITIES/	
[] 153 RECOVERY OF	[x] 360 OTHER PERSONAL		LABOR/MGMT	[] 863 DIWW (405(g))	COMMODITIES/	
OVERPAYMENT OF	INJURY		RELATIONS	[] 864 SSID TITLE XVI	EXCHANGE	
VETERAN'S BENEFITS			LABOR/MGMT	[] 865 RSI (405(g))	[] 875 CUSTOMER	
[] 160 STOCKHOLDERS SUITS			REPORTING &		CHALLENGE	
[] 190 OTHER CONTRACT			DISCLOSURE ACT	FEDERAL TAX SUITS	12 USC 3410	
[] 195 CONTRACT PRODUCT			RAILWAY LABOR ACT	[] 870 TAXES	[] 891 AGRICULTURE ACTS	
LIABILITY			OTHER LABOR	[] 871 IRS-THIRD PARTY	[] 892 ECONOMIC	
[] 196 FRANCHISE			LITIGATION	20 USC 7609	STABILIZATION ACT	
	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[] 791 EMPL RET INC		[] 893 ENVIRONMENTAL	
REAL PROPERTY	CIVIL RIGHTS		SECURITY ACT		MATTERS	
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO			[] 894 ENERGY	
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	VACATE SENTENCE			ALLOCATION ACT	
[] 230 RENT LEASE &	[] 443 HOUSING	28 USC 2255			[] 895 FREEDOM OF	
EJECTMENT	ACCOMMODATIONS	[] 530 HABEAS CORPUS			INFORMATION ACT	
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY			[] 900 APPEAL OF FEE	
[] 246 TORT PRODUCT	[] 445 AMERICANS WITH	[] 540 MANDAMUS & OTHER			DETERMINATION	
LIABILITY	DISABILITIES -	[] 550 CIVIL RIGHTS			UNDER EQUAL ACCESS	
[] 290 ALL OTHER	EMPLOYMENT	[] 555 PRISON CONDITION			TO JUSTICE	
REAL PROPERTY	[] 446 AMERICANS WITH				[] 950 CONSTITUTIONALITY	
	DISABILITIES -OTHER				OF STATE STATUTES	
	[] 440 OTHER CIVIL RIGHTS				[] 890 OTHER STATUTORY	
					ACTIONS	

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ 1,000,000 OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.